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09/820,054	03/28/2001	Adam R. Schran	10397-1U1	3079

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EXAMINER

LEROUX, ETIENNE PIERRE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ADAM R. SCHRAN
And
ROBERT E. DARLINGTON

Application No. 09/820,054
Technology Center 2100

Mailed: January 14, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, ARGUMENTS

A review of the file finds that the arguments with respect to each grounds of rejection as provided in the Appeal Brief filed June 23, 2008 under the heading “Argument” have not been clearly provided. Each grounds of rejection¹ must be treated under a **separate heading** in accordance with 37 CFR 41.37(c)(1)(vii). Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number.

Appellants have not provided the necessary headings and/or subheadings for arguments which correspond to each grounds of rejection. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details. This deficiency was previously noted in the Order Returning Undocketed Appeal to Examiner mailed December 5, 2007.

¹ The “Grounds of Rejection to be Reviewed on Appeal” appearing on page 4 read as follows:

1. Claims 1, 2 and 4-8, 10-17, 19-23 and 25-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (hereafter, “Walker”) in view of Shrader; and
2. Claims 3, 9, 18 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Shrader and Julien Jay (Norton Internet Security 2000 (NIS 2000)).

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on June 23, 2008 defective;
- 2) to notify Appellants to file a paper properly presenting the arguments for each grounds of rejection as required;
- 3) for consideration of said paper; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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